

REMARKS/ARGUMENTS

First, Applicants wish to thank the Examiner for finding claim 14 allowable over the prior art.

The Examiner has rejected claims 3, 4, 6, 8-10 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has also rejected claims 3, 4, 6, 8-10 and 13 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter.

The Examiner has indicated that claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim.

Applicants have canceled claims 3, 4, 6 and 13. Claim 7 has been rewritten in independent form including the limitations of base claim 3. Claims 8 and 10 have been amended to depend from claim 7.

Based on the foregoing, Applicants respectfully request that the 35 U.S.C. 112, second paragraph rejection and the 35 U.S.C. 101 rejection of claims 3, 4, 6, 8-10 and 13 be reconsidered and withdrawn.

No new matter has been added. Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

Novartis Pharmaceuticals Corp.
Patents Pharma
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-2614



Gregory C. Houghton
Attorney for Applicants
Reg. No. 47,666

Date: 11-3-09